

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SUMNER DAVENPORT, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

DISCOVER FINANCIAL SERVICES and
DISCOVER HOME LOANS, INC.

Defendants.

NO. 1:15-cv-06052

Honorable Virginia M. Kendall

**JOINT MOTION TO VACATE STATUS HEARING AND SET HEARING ON
PLAINTIFF’S ANTICIPATED MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Plaintiff Sumner Davenport (“Plaintiff”) and Defendants Discover Home Loans, Inc. and Discover Financial Services (“Defendants,” and together with Plaintiff, the “Parties”), through their respective counsel of record, respectfully move to vacate the currently scheduled status hearing and set a hearing on Plaintiff’s anticipated motion for preliminary approval of class action settlement, and in support thereof state as follows:

1. On August 8, 2016, the Parties filed a Joint Motion To Stay Action as the Parties had agreed to attend mediation [Dkt. No. 65];
2. On August 9, 2016, the Court granted the Parties’ Joint Motion [Dkt. No. 67];
3. On October 10, 2016, the Parties attended mediation before the Hon. Judge Morton Denlow (Ret.) and reached a settlement in principle;
4. The Parties are currently documenting the agreement and engaging in limited discovery and anticipate being able to complete these tasks within forty-five (45) days; and

5. The Parties request that the Court vacate the current Status Hearing set for October 27, 2016 and set a hearing on Plaintiff's anticipated motion for preliminary approval for class action settlement on December 15, 2016 at 9:00 AM. Plaintiff shall file the anticipated motion and supporting documents on or before December 9, 2016.

For relief, the Parties respectfully request:

That the Court vacate the currently scheduled Status Hearing on October 27, 2016, and set a hearing on Plaintiff's anticipated motion for preliminary approval of class action settlement on December 15, 2016 at 9:00 AM.

RESPECTFULLY SUBMITTED AND DATED this 21st day of October, 2016.

STROOCK & STROOCK & LAVAN LLP

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